

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1844 - HB 1639

March 18, 2009

SUMMARY OF BILL: Requires a defendant to be sentenced at the 50th percentile of the appropriate range for the specific offense committed for a second felony conviction, the 75th percentile for a third felony conviction, and at the maximum sentence for the appropriate range for a fourth or subsequent felony conviction.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$157,034,500/Incarceration*

Assumptions:

- The Department of Correction (DOC) has an average of 7,000 admissions per year. The increased sentences are based on the difference between 35 percent of the minimum sentence for Range II offenders, 45 percent for Range III offenders, and 60 percent for career offenders; and the sentence at 50, 75, or 100 percent, for a second, third, or fourth felony in the range. The increased sentences include a discount for recidivism and annual population growth of 1.12 percent.
- DOC admissions report show 58 percent (4,057) of total admissions (7,000) are first-time felony convictions, 25.2 percent (1,765) would be in Range II, 12.6 percent (883) would be in Range III, and 4.2 percent (295) would be Career offenders under the 1999/2000 Sentencing Matrix. DOC estimates 3.6 percent would be Class A offenses, 18 percent Class B, 34 percent Class C, 22.3 percent Class D, and 22.1 percent Class E.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80.
- Class A – Range II:
 - The cost per offender at 12.5 years is \$273,024.67 (\$59.80 x 4,565.63 days). The cost per offender at 8.8 years is \$192,209.16 (\$59.80 x 3,214.20 days). The additional cost of increasing the average sentence length is \$80,815.51 (\$273,024.67 - \$192,209.16). The total additional operating cost for 25 offenders is \$2,020,387.75 (\$80,815.51 x 25).
 - The cost per offender at 18.8 years is \$410,628.66 (\$59.80 x 6,866.70 days). The cost per offender at 8.8 years is \$192,209.16

- (\$59.80 x 3,214.20 days). The additional cost of increasing the average sentence length is \$218,419.50 (\$410,628.66 - \$192,209.16). The total additional operating cost for 12 offenders is \$2,621,034.00 (\$218,419.50 x 12).
- The cost per offender at 25.0 years is \$546,048.75 (\$59.80 x 9,131.25 days). The cost per offender at 8.8 years is \$192,209.16 (\$59.80 x 3,214.20 days). The additional cost of increasing the average sentence length is \$353,839.59 (\$546,048.75 - \$192,209.16). The total additional operating cost for four offenders is \$1,415,358.36 (\$353,839.59 x 4).
- Class A – Range III:
 - The cost per offender at 40.0 years is \$873,678 (\$59.80 x 14,610 days). The cost per offender at 18.0 years is \$393,155.10 (\$59.80 x 6,574.50 days). The additional cost of increasing the average sentence length is \$480,522.90 (\$873,678 - \$393,155.10). The total additional operating cost for 20 offenders is \$9,610,458 (\$480,522.90 x 20).
- Class A – Career:
 - The cost per offender at 60.0 years is \$1,310,517 (\$59.80 x 21,915 days). The cost per offender at 36.0 years is \$786,310.20 (\$59.80 x 13,149 days). The additional cost of increasing the average sentence length is \$524,206.80 (\$1,310,517 - \$786,310.20). The total additional operating cost for seven offenders is \$3,669,447.60 (\$524,206.80 x 7).
 - The total additional operating cost for Class A felony offenses is \$19,336,685.71 (\$2,020,387.75 + \$2,621,034.00 + \$1,415,358.36 + \$9,610,458 + \$3,669,447.60).
- Class B - Range II:
 - The cost per offender at 6.0 years is \$131,051.70 (\$59.80 x 2,191.50). The cost per offender at 4.2 years is \$91,736.19 (\$59.80 x 1,534.05). The additional cost of increasing the average sentence length is \$39,315.51 (\$131,051.70 - \$91,736.19). The total additional operating cost for 137 offenders is \$5,386,224.87 (\$39,315.51 x 137).
 - The cost per offender at 9.0 years is \$196,577.55 (\$59.80 x 3,287.25 days). The cost per offender at 4.2 years is \$91,736.19 (\$59.80 x 1,534.05). The additional cost of increasing the average sentence length is \$104,841.36 (\$196,577.55 - \$91,736.19). The total additional operating cost for 61 offenders is \$6,395,322.96 (\$104,841.36 x 61).
 - The cost per offender at 12.0 years is \$262,103.40 (\$59.80 x 4,383 days). The cost per offender at 4.2 years is \$91,736.19 (\$59.80 x 1,534.05). The additional cost of increasing the average sentence length is \$170,367.21 (\$262,103.40 - \$91,736.19). The total additional operating cost for 20 offenders is \$3,407,344.20 (\$170,367.21 x 20).

Class B – Range III:

- The cost per offender at 20.0 years is \$436,839 ($\$59.80 \times 7,305$ days). The cost per offender at 9.0 years is \$196,577.55 ($\$59.80 \times 3,287.25$ days). The additional cost of increasing the average sentence length is \$240,261.45 ($\$436,839 - \$196,577.55$). The total additional operating cost for 102 offenders is \$24,506,667.90 ($\$240,261.45 \times 102$).
- Class B – Career:
 - The cost per offender at 30.0 years is \$655,258.85 ($\$59.80 \times 10,957.50$ days). The cost per offender at 18.0 years is \$393,155.10 ($\$59.80 \times 6,574.50$ days). The additional cost of increasing the average sentence length is \$262,103.75 ($\$655,258.85 - \$393,155.10$). The total additional operating cost for 34 offenders is \$8,911,527.50 ($\$262,103.75 \times 34$).
 - The total additional operating cost for Class B felony offenses is \$48,607,087.43 ($\$5,386,224.87 + \$6,395,322.96 + \$3,407,344.20 + \$24,506,667.90 + \$8,911,527.50$).
- Class C – Range II:
 - The cost per offender at 3.0 years is \$65,525.85 ($\$59.80 \times 1,095.75$ days). The cost per offender at 2.1 years is \$45,868.39 ($\59.80×767.03 days). The additional cost of increasing the average sentence length is \$19,657.46 ($\$65,525.85 - \$45,868.39$). The total additional operating cost for 398 offenders is \$7,823,669.08 ($\$19,657.46 \times 398$).
 - The cost per offender at 4.5 years is \$98,289.07 ($\$59.80 \times 1,643.63$ days). The cost per offender at 2.1 years is \$45,868.39 ($\59.80×767.03 days). The additional cost of increasing the average sentence length is \$52,420.68 ($\$98,289.07 - \$45,868.39$). The total additional operating cost for 131 offenders is \$6,867,109.08 ($\$52,420.68 \times 131$).
 - The cost per offender at 6.0 years is \$131,051.70 ($\$59.80 \times 2,191.50$ days). The cost per offender at 2.1 years is \$45,868.39 ($\59.80×767.03 days). The additional cost of increasing the average sentence length is \$85,183.31 ($\$131,051.70 - \$45,868.39$). The total additional operating cost for 38 offenders is \$3,236,965.78 ($\$85,183.31 \times 38$).
- Class C – Range III:
 - The cost per offender at 10.0 years is \$218,419.50 ($\$59.80 \times 3,652.50$ days). The cost per offender at 4.5 years is \$98,289.07 ($\$59.80 \times 1,643.63$ days). The additional cost of increasing the average sentence length is \$120,130.43 ($\$218,419.50 - \$98,289.07$). The total additional operating cost for 196 offenders is \$23,545,564.28 ($\$120,130.43 \times 196$).
- Class C – Career:
 - The cost per offender at 15.0 years is \$327,629.25 ($\$59.80 \times 5,478.75$ days). The cost per offender at 9.0 years is \$196,577.55 ($\$59.80 \times 3,287.25$ days). The additional cost of increasing the average sentence length is \$131,051.70 ($\$327,629.25 - \$196,577.55$).

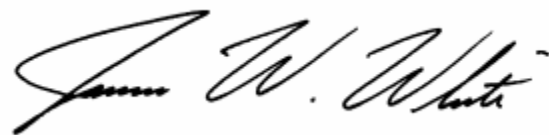
- The total additional operating cost for 64 offenders is \$8,387,308.80 (\$131,051.70 x 64).
- The total additional operating cost for Class C felony offenses is \$49,860,617.02 (\$7,823,669.08 + \$6,867,109.08 + \$3,236,965.78 + \$23,545,564.28 + \$8,387,308.80).
- Class D – Range II:
 - The cost per offender at 2.0 years is \$43,683.90 (\$59.80 x 730.50 days). The cost per offender at 1.4 years is \$30,578.73 (\$59.80 x 511.35 days). The additional cost of increasing the average sentence length is \$13,105.17 (\$43,683.90 - \$30,578.73). The total additional operating cost for 261 offenders is \$3,420,449.37 (\$13,105.17 x 261).
 - The cost per offender at 3.0 is \$65,525.85 (\$59.80 x 1,095.75 days). The cost per offender at 1.4 years is \$30,578.73 (\$59.80 x 511.35 days). The additional cost of increasing the average sentence length is \$34,947.12 (\$65,525.85 - \$30,578.73). The total additional operating cost for 103 offenders is \$3,599,553.36 (\$34,947.12 x 103).
 - The cost per offender at 4.0 years is \$87,367.80 (\$59.80 x 1,461 days). The cost per offender at 1.4 years is \$30,578.73 (\$59.80 x 511.35 days). The additional cost of increasing the average sentence length is \$56,789.07 (\$87,367.80 - \$30,578.73). The total additional operating cost for 28 offenders is \$1,590,093.96 (\$56,789.07 x 28).
- Class D – Range III:
 - The cost per offender at 8.0 years is \$174,735.60 (\$59.80 x 2,922 days). The cost per offender at 3.6 years is \$78,631.02 (\$59.80 x 1,314.90 days). The additional cost of increasing the average sentence length is \$96,104.58 (\$174,735.60 - \$78,631.02). The total additional operating cost for 126 offenders is \$12,109,177.08 (\$96,104.58 x 126).
- Class D – Career:
 - The cost per offender at 12.0 years is \$262,103.40 (\$59.80 x 4,383 days). The cost per offender at 7.2 years is \$157,262.04 (\$59.80 x 2,629.80 days). The additional cost of increasing the average sentence length is \$104,841.36 (\$262,103.40 - \$157,262.04). The total additional operating cost for 42 offenders is \$4,403,337.12 (\$104,841.36 x 42).
 - The total additional operating cost for Class D felony offenses is \$25,122,610.89 (\$3,420,449.37 + \$3,599,553.36 + \$1,590,093.96 + \$12,109,177.08 + \$4,403,337.12).
- Class E – Range II:
 - The cost per offender at one year is \$21,841.95 (\$59.80 x 365.25 days). The cost per offender at 0.7 years is \$15,289.66 (\$59.80 x 255.68 days). The additional cost of increasing the average sentence length is \$6,552.29 (\$21,841.95 - \$15,289.66). The total additional operating cost for 259 offenders is \$1,697,043.11 (\$6,552.29 x 259).

- The cost per offender at 1.5 years is \$32,762.03 (\$59.80 x 547.86 days). The cost per offender at 0.7 years is \$15,289.66 (\$59.80 x 255.68 days). The additional cost of increasing the average sentence length is \$17,472.37 (\$32,762.03 - \$15,289.66). The total additional operating cost for 129 offenders is \$2,253,935.73 (\$17,472.37 x 129).
- The cost per offender at 2.0 years is \$43,683.90 (\$59.80 x 730.50 days). The cost per offender at 0.7 years is \$15,289.66 (\$59.80 x 255.68 days). The additional cost of increasing the average sentence length is \$28,394.24 (\$43,683.90 - \$15,289.66). The total additional operating cost for 34 offenders is \$965,404.16 (\$28,394.24 x 34).
- Class E – Range III:
 - The cost per offender at 4.0 years is \$87,367.80 (\$59.80 x 1,461 days). The cost per offender at 1.8 years is \$39,315.51 (\$59.80 x 657.45 days). The additional cost of increasing the average sentence length is \$48,052.29 (\$87,367.80 - \$39,315.51). The total additional operating cost for 140 offenders is \$6,727,320.60 (\$48,052.29 x 140).
- Class E – Career:
 - The cost per offender at 6.0 years is \$131,051.70 (\$59.80 x 2,191.50 days). The cost per offender at 3.6 years is \$78,631.02 (\$59.80 x 1,314.90 days). The additional cost of increasing the average sentence length is \$52,420.68 (\$131,051.70 - \$78,631.02). The total additional operating cost for 47 offenders is \$2,463,771.96 (\$52,420.68 x 47).
 - The total additional operating cost for Class E felony offenses is \$14,107,475.56 (\$1,697,043.11 + \$2,253,935.73 + \$965,404.16 + \$6,727,320.60 + \$2,463,771.96).
 - The total additional operating cost for all felony classes as a result of this bill is \$157,034,476.61 (\$19,336,685.71 + \$48,607,087.43 + \$49,860,617.02 + \$25,122,610.89 + \$14,107,475.56).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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